IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY NINTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

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WRIT PETITION NO : 27959 of 1995

Between:

1. Gattu Narayana, S/o. Bheemaiah,
   R/o. Devapur Village, Adilabad District.
2. S.Gattaiah, S/o. Hanumaiah,
   R/o. Devapur Village, Adilabad District.
3. K.Shankar, S/o. Bakkaiah,
   R/o. Devapur Village, Adilabad District.
4. Ch.Durgaiah, S/o. Posham,
   R/o. Devapur Village, Adilabad District.
5. A. Shankaraiah, S/o. Ramaiah,
   R/o. Devapur Village, Adilabad District.
6. D.Lingaiah, S/o. Posham,
   R/o. Devapur Village, Adilabad District.
7. Narla Shankar, S/o. Bhimaiah,
   R/o. Devapur Village, Adilabad District.
8. R. Lingaiah, S/o. Chinna Lingaiah,
   R/o. Devapur Village, Adilabad District.
9. M. Chinnaiah, S/o. Posham,
   R/o. Devapur Village, Adilabad District.

..... PETITIONERS

AND

1 The Commissioner of Labour,
  Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner of Labour and Registrar of Trade Union,
  Warangal.
3 The Returning Offcer/Assistant Commissioner of Labour,
  Adilabad.
4 M/s. Orient Cements, Rep. by Managing Director,
  Devapur, Adilabad District.

(Against R-4 writ petition has been dismissed for default

as per the Court Order dated 05-08-2004).

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction more particularly one in the nature of Writ of mandamus declaring the action of Respondents 1 to 3 in not including the 256 loaders in the voters list for the purpose of recognition of majority union in 4the Respondent establishment under the Code of Discipline as illegal and arbitrary and consequently direct the Respondents 1 to 3 to include the petitioners and other loaders working in 4th respondent establishment in the voters list for the purpose of recognition of majority union under the Code of Discipline.

Counsel for the Petitioners: MR.G.VIDYASAGAR

Counsel for the Respondent Nos. 1 to 3: G.P. for Labour

The Court made the following

ORDER:

It is represented by the learned counsel for the petitioners that the issue involved in this writ petition does not survive for adjudication and hence, the writ petition has become infructuous.

Recording the said submission made by the learned counsel for the petitioners, the writ petition is dismissed as 'infructuous.' No costs.

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D.S.R. VARMA, J

29th October, 2004

lsn/krk

To

1 The Commissioner of Labour,
Government of Andhra Pradesh, Hyderabad.
2 The Deputy Commissioner of Labour and Registrar of Trade Union,
Warangal.
3 The Returning Offcer/Assistant Commissioner of Labour,
Adilabad.
4. Two CCs to G.P. for Labour, High Court Buildings, Hyderabad (OUT).

5. Two CD copies.